

MAR 14 1986

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CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

Re: Duane Marine Site, Perth Amboy, New Jersey
Administrative Order, Index No. II-CERCLA-50102;
Administrative Order, Index No. II-CERCLA-50105;
Administrative Order, Index No. II-CERCLA-50107

Dear Sir or Madam:

This letter is to serve as written notice from EPA of our present perception respecting the question of your company's compliance or noncompliance with the administrative orders named in the caption above.

In late 1984 and early 1985 the U.S. Environmental Protection Agency ("EPA") issued the three administrative orders named in the caption above. Your company, as respondent to one of these three orders, was required by its terms to perform a surface cleanup, or removal action, at the Duane Marine Salvage Corporation site in Perth Amboy, New Jersey. A cleanup under a work plan approved by EPA is underway. Indeed, the cleanup is near completion.

According to our records, your company is not among the respondents, represented by the Duane Marine Steering Committee, who have given EPA written notification of commitment to perform the removal work and who have contributed to the cleanup effort. To the contrary, your company is one of a small number of respondents to the orders who have not committed to perform or participate in paying for the work. As a consequence of failure to participate in the work effort, these parties are at present being considered "recalcitrant" parties by EPA.

Please be advised that your failure to participate in the work constitutes a violation of the order, which may render your company liable for imposition of civil penalties in the amount of \$5,000.00 per day, as provided in §106(b) of CERCLA, 42 U.S.C. §9606(b). In addition, failure to comply with the terms of the order may subject your company to cost recovery and punitive damages of

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up to three times the amount of any costs incurred by EPA, as provided in §§107(a) and 107(c)(3) of CERCLA, 42 U.S.C. §§9607(a) and 9607(c)(3).

Moreover, when EPA next considers what enforcement actions may be appropriate in the future in connection with the Duane Marine site, the agency, pursuant to its CERCLA Settlement Policy, will consider the good faith (or lack of good faith) shown by each responsible party, including its record of compliance with the terms of the order currently in force.

If our records do not accurately reflect the current status of your company respecting compliance with the order, please contact me immediately at (212) 264-8067.

Sincerely,

Margaret Thompson
Assistant Regional Counsel
NJ Superfund Branch
Office of Regional Counsel

cc: John F. Lynch, Jr., Esq., Duane Marine Steering Committee

bcc: Janet Feldstein, 2ERRD-SIC (NJ)

Apex Color Works, Inc
64 Chapel Street
Newark, NJ 07105
Att: President or General Counsel

Mr. Jerome Lightman
Lightman Drum Co.
P.O. Box 22
Berlin, NJ 08009

Autocar, Inc.
Exton, PA.
Attention: Company President

Clifford Slavin
Vice President
New Jersey American Warehouse
2500 Brunswick Ave.
Linden NJ 07036

Cosden Oil and Chemical Co, Inc.
P.O. Box 316
Windsor, NJ 08561
Attention: Gary C. Reed

Perth Amboy Dry Dock Co., Inc.
Commerce Street
P.O. Box 348
Perth Amboy, NJ 08862
Att: Alfred C. Bruggmann

Cosden Oil & Chemical Co. c/o
James B. Harris
Thompson & Knight
3300 First City Center
1700 Pacific Ave.
Dallas, TX 75201

Tempcon c/o
Kornfeld, Rew, Newman & Ellsworth, esq.
Attention: Frank T. Simeone
99 Washington Ave.
Suffern, NY 10901

Eastern Sterling Plastics
P.O. Box 316
Windsor, NJ 08561
Attention: Gary C. Reed

Tenneco Resins, Inc.
P.O. Box 2511
Houston, TX 77001
Attention: Harold F. Hees

Eastern Sterling Plastics c/o
James B. Harris
Thompson & Knight
3300 First City Center
1700 Pacific Ave.
Dallas, TX 75201

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P 445 370 507 (m)

RECEIPT FOR CERTIFIED MAIL

PS Form 3800, July 1983

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Add your address in the "RETURN TO" space on reverse.

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Mr. Jerome Lightman
Lightman Drum Co.
P.O. Box 22
Berlin, NJ 08009

3. TYPE OF SERVICE

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7a. EMPLOYEE'S INITIALS

PS Form 3800

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